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MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Agency Views - Automatic Data Processing
Legislation

REFERENCE: Memorandum to DDCI, dated 27 March 1965,
Same Subject

1. This memorandum contains a recommendation for your approval in paragraph 8.

2. The referenced memorandum recommended that you sign a letter to Chairman Dawson, House Government Operations Committee, setting forth the Agency's views on H.R. 4845, automatic data processing equipment legislation. That letter cleared the Bureau of the Budget and was presented to the Government Activities Subcommittee and discussed with the Chairman, Congressman Jack Brooks (D., Tex.), and the Staff Administrator, Mr. Ernest C. Baynard.

3. Congressman Brooks and Mr. Baynard were appreciative of the position we took with respect to the DCI's responsibilities in our letter, which, with one addition, supported the position taken by the Department of Defense with respect to the proposed legislation. However, they suggested we disassociate ourselves from DOD since they wished to help us and intended to go hard on DOD.

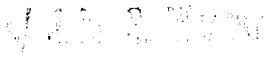
4. As to the question of a specific exemption for the Agency, they are reluctant to do this because they feel it would open the door for a flood of requests for exemptions. Further, they take the position that a statutory exemption is not necessary because the bill provides that the program will be run at Presidential direction and under Bureau of the Budget policy guidance. They expect that the Executive can put its own house in order under these provisions. Nevertheless, Mr. Baynard offered to make specific reference to the Director's statutory responsibilities in the Committee report accompanying the bill and said we could review that statement in draft before the report is printed.

5. We have already discussed with the Bureau of the Budget the possibilities of our submitting a substitute letter, and they have no objections. Under these circumstances, it is felt that a substitute letter would be in our best interests.

6. In the substitute letter we have recast our original position so that it can be presented on an independent basis and not tied to DOD. However, we still maintain that there is a potential conflict between the Administrator's proposed authorities and responsibilities and the Director's responsibility to protect intelligence sources and methods and Agency organization from unauthorized disclosure. The substitute letter recommends language to assure that the Director's responsibilities are not subordinated to those of the Administrator, GSA.

7. In addition, we are initiating action with the General Services Administration and the Bureau of the Budget to obtain assurances for necessary Agency exemptions from the proposed or other similar legislation.

8. It is recommended that you approve the release of the attached letter requesting BOB clearance of our revised report to Chairman Dawson on H. R. 4845.


JOHN S. WARNER
Legislative Counsel

Attachment

Orig and 1 - Addressee

1 - Executive Director

1 - ER

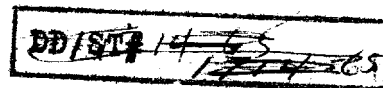
1 - DDP

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65-1790



8- APR 1966

Honorable William L. Dawson
Chairman, Committee on
Government Operations
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

We wish to submit the views of this Agency on H. R. 4845, 89th Congress, a bill "To provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies."

We endorse H. R. 4845's objective to achieve economic and effective use of automatic data processing equipment. Guidance, support, and standardization are extremely important goals in the automatic data processing field. Further, we appreciate the problem of drafting such legislation to assure that the authorities and responsibilities are sufficient to the task, without impairing the effectiveness of Federal agencies.

As is the case with many other agencies, the Central Intelligence Agency regards automatic data processing equipment as an invaluable and indispensable aid in the performance of its responsibilities. Such equipment has enhanced our capability to coordinate, correlate, and evaluate the vital and complicated security data and intelligence information which we are receiving in ever-increasing quantities.

CIA uses both specialized and general commercial equipment in its automatic data processing program. In both cases, however, utilization is inextricably involved in the security responsibilities of the Director of Central Intelligence.

For your information, the National Security Act of 1947, as amended, provides, in part, as follows:

".... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure; ..." (50 U.S.C. 401).

Although we wholeheartedly support the basic objective of the bill, compliance by the Director of Central Intelligence with the full scope of the authorities and responsibilities of the Administrator, GSA, raises a serious question of conflict with the Director's statutory responsibility to protect intelligence sources and methods and data relating to the organization of this Agency.

We are informed that there is no intent to subordinate the security responsibilities of the Director of Central Intelligence to the provisions of the bill. This was also indicated in the hearings and floor discussion on H.R. 5171, a similar bill introduced in the 88th Congress, where we find numerous references to intelligence as an example of the type of activities the Administrator would or should exempt from the provisions of the proposed law.

While H.R. 4845 provides the Administrator with similar authority to grant exceptions from the full scope of the bill, we feel that the potential for statutory conflict on this matter warrants clarification in the bill itself. Therefore, we recommend that there be added to the sentence which ends on line 3, page 5, the following proviso:

" : Provided, That where a head of a Federal agency determines that compliance will require the disclosure of national security information for which he has responsibility, pursuant to law, to protect from unauthorized disclosure, the provisions of this section shall not apply. "

We will be happy to provide any additional information that your Committee may request.

The Bureau of the Budget has advised, that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Faithfully yours,

[[Signed]]

Marshall S. Carter
Lieutenant General, USA
Deputy Director

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